

Message Text

CONFIDENTIAL

PAGE 01 VIENNA 02942 141422Z
ACTION L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 OIC-02 AF-10 ARA-06
EA-07 NEA-10 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 DODE-00 PM-04 H-01 INR-07 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 OMB-01 TRSE-00 ACDA-07
DHA-02 /110 W

-----141439Z 071293 /46

O 141344Z APR 77

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC IMMEDIATE 1415

INFO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L VIENNA 2942

EO 11652: GDS

TAGS: UN PFOR, CU, MX, MARR

SUBJECT: US CONFERENCE ON SUCCESSION OF STATES

1. CUBA AND MEXICO HAVE CIRCULATED FOLLOWING TEXTS ON
QUESTION OF EFFECT OF STATE SUCCESSION ON TREATIES
RELATING TO MILITARY BASES:

CUBA QUOTE ADD THE FOLLOWING NEW PARAGRAPH TO ARTICLE 12:

INNER QUOTE 3. TREATIES WHICH WERE CONCLUDED AND CONCESSIONS
WHICH WERE GRANTED IN CONDITIONS OF INEQUALITY OR WHICH
DISREGARD OR DETRACT FROM THE SOVEREIGNTY OF THE SUCCESSOR
STATE OVER ANY PART OF ITS TERRITORY, PARTICULARLY IN THE
CASE OF THE ESTABLISHMENT OR ATTEMPTED ESTABLISHMENT OF
MILITARY, NAVAL OR AIR BASES, SHALL BE EXCLUDED FROM THE
APPLICATION OF THE PROVISIONS CONTAINED IN THE FOREGOING
PARAGRAPHS AND SHALL BE CONSIDERED ILLEGAL, BEING CONTRARY
TO THE PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS.
END INNER QUOTE END QUOTE

MEXICO. QUOTE ADD A NEW PARAGRAPH TO ARTICLE 12 READING AS FOLLOWS:

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 VIENNA 02942 141422Z

INNER QUOTE 3. TREATIES RELATING TO MILITARY, NAVAL
OR AIR BASES ESTABLISHED IN THE TERRITORY OF THE SUCCESSOR
STATE FOR THE BENEFIT OF THE PREDECESSOR STATE OR OF
OTHER STATES ARE NOT SUBJECT TO THE EFFECTS OF THIS
ARTICLE. SUCH TREATIES SHALL CASE TO BE IN FORCE
BY REASON OF THE SUCCESSION. END INNER QUOTE END QUOTE

2. CUBAN TEXT IF IN OUR VIEW OBVIOUSLY UNACCEPTABLE IN TONE AND CONTENT AND WE PLAN VOTE AGAINST IT UNLESS INSTRUCTED TO CONTRARY.

3. FIRST SENTENCE OF MEXICAN TEXT IS NOTHING MORE THAN EXPLICIT DECLARATION OF INTERPRETATION OF EXISTING TEXT OF DRAFT ARTICLE 12 CONTAINED IN PARAGRAPH 25 OF ILC COMMENTARY IN ARTICLE EFFECT OF COMMENTARY AND MEXICAN TEXT WOULD BE TO EXCLUDE BASE AGREEMENTS FROM ARTICLE'S EXCEPTION TO THE CLEAN SLATE PRINCIPAL WITH REGARD TO NEWLY INDEPENDENT STATES.

4. IT IS OUR UNDERSTANDING THAT US PRACTICE HAS BEEN TO RECOGNIZE THAT BASE AGREEMENTS WITH COLONIAL POWERS DO NOT BIND SUCCESSOR STATES E.G. IN THE CASE OF THE BASES IN THE WEST INDIES. IN THE CASE OF UNIONS OF STATES OR SEPARATION OF STATES PRINCIPLE OF CONTINUITY OF TREATIES APPLIES AND FIRST SENTENCE OF MEXICAN TEXT WOULD NOT HAVE ANY EFFECT.

5. SECOND SENTENCE OF MEXICAN PROPOSAL IN EFFECT DECLARES THAT BASE AGREEMENTS ARE INVALIDATED BY ANY TYPE OF SUCCESSION. THIS WE REGARD AS EXCESSIVE.

6. WE BELIEVE WE SHOULD BE AUTHORIZED TO TAKE POSITION THAT US WILL VOTE FOR MEXICAN AMENDMENT IF SECOND SENTENCE DELETED. IF SECOND SENTENCE RETAINED IN ITS PRESENT FORM, CONFIDENTIAL

CONFIDENTIAL

PAGE 03 VIENNA 02942 141422Z

WE WOULD PROPOSE VOTING AGAINST THE TEXT UNLESS INSTRUCTED TO CONTRARY.

7. SINCLAIR (LEGAL ADVISOR TO UK FONMIN) CONCURS IN ABOVE ANALYSIS AND UK CURRENTLY PLANS VOTE AGAINST CUBAN TEXT, IN FAVOR MEXICAN TEXT IF LAST SENTENCE DELETED, AND AGAINST MEXICAN TEXT IF LAST SENTENCE RETAINED IN ITS PRESENT FORM.

8. SINCE MATTER COULD COME UP AS EARLY AS PM APRIL 15, REQUEST DEPT'S VIEWS ASAP. MEEHAN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, AGREEMENTS, AMENDMENTS, MILITARY BASES
Control Number: n/a
Copy: SINGLE
Sent Date: 14-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977VIENNA02942
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770129-1016
Format: TEL
From: VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770455/aaaabvsq.tel
Line Count: 108
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 152223a5-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2800597
Secure: OPEN
Status: NATIVE
Subject: US CONFERENCE ON SUCCESSION OF STATES
TAGS: PFOR, MARR, CU, MX, UN
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/152223a5-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009